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UNITED STATES DISTRICT COURT
DISTRICT COURT OF NEVADA

MARIA SALAZAR,

Plaintiff,

vs.

TARGET CORPORATION, a foreign
corporation; DOE Individuals 1-10; DOE
Employees 11-20; and ROE Corporations
21-30;

Defendants.

Case Number:
2:18-cv-01039-MMD-GWF

**STIPULATION AND ORDER FOR
INDEPENDENT MEDICAL EXAM**

Come now the Parties and Stipulate and agree as follows. The Defendant has requested, and Plaintiff has agreed to undertake, an independent medical exam (“IME”) under the conditions outlined below:

1. The examiner will treat the Plaintiff with respect.
2. On December 17, 2018 at 1:30 p.m., which is thirty minutes prior to the scheduled NRCPC 35 Examination, the Plaintiff will present to the Offices of Nevada Orthopedic & Spine Center, located at 7455 W. Washington Avenue, Suite 160, Las Vegas, Nevada 89128, for the examination by Dr. Rimoldi. The Plaintiff will present at said time and place with a fully completed Informed Consent Form and Nevada Orthopedic & Spine Center Medical History

1 form, both forms having previously been provided to Plaintiff's counsel. Any additional
2 paperwork should be provided to Plaintiff's Counsel at least 10 days in advance of the
3 examination.

4 3. The examiner will retain all handwritten notes, e-mails, sent and received, and all
5 documents generated or received, including draft reports, related to the examination.
6

7 4. No later than 14 days following receipt of the examiner's report by Defense Counsel,
8 Defense Counsel will provide a copy of this report to Plaintiff's counsel.

9 5. The examiner will not speak with or attempt to engage any family member or friend who
10 may accompany the Plaintiff to the examination.

11 6. The examiner will accurately report the findings and test results.

12 7. Neither defense counsel, nor plaintiff's counsel, nor any other representatives, will attend
13 the examination.
14

15 8. The examination will not last longer than 90 minutes unless extraordinary circumstances
16 are presented to Plaintiff's Counsel in writing at least 10 days prior to the examination setting
17 forth the justification for additional time.

18 9. The Plaintiff will not be required to wait in the examiner's waiting room for longer than
19 60 minutes before commencement of the examination.
20

21 10. Liability questions may not be asked by the examining physician or any agent or
22 representative of the examining physician.

23 11. No x-rays or radiographs may be obtained during the examination. If additional film
24 studies are necessary for the examination, please detail in writing why such studies are necessary
25 and the protocol for conducting such radiographic studies, and the issue may be revisited.
26
27
28

1 12. If the examining physician subjects the Plaintiff to physically intrusive or painful
2 procedures, the Plaintiff reserves the right to immediately terminate the examination and contact
3 the Discovery Commissioner.

4 13. No invasive procedures are allowed.

5 14. The Plaintiff will not be required to disrobe from the waist down during the examination.
6 No “waist up” disrobement will be required unless the DME determines that such disrobement is
7 crucial to conducting the examination, and the examiner requires his own patients to disrobe for
8 similar orthopedic examinations. Any disrobement requirement will be provided in writing at
9 least 10 days prior the examination.
10

11 15. If the examining physician is the opposite sex as the Plaintiff, a medical assistant of the
12 same sex will be required to be present at all times during the examination.

13 16. The examining physician will not contact Plaintiff’s treating healthcare providers to
14 discuss Plaintiff’s treatment.

15 17. The examiner acknowledges that his deposition may be taken in this case, and he will
16 reasonably cooperate with the scheduling of his deposition.

17 18. The examiner will not have provided any verbal opinions following a records review to
18 Defendant’s Counsel, prepared any written report for Defendant’s Counsel, or formed any
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opinions regarding the nature, extent or causation of Plaintiff's injuries prior to conducting the examination.

IT IS SO STIPULATED:

DATED this 7th day of December, 2018.

DATED this 7th day of December, 2018.

COGBURN LAW OFFICES

PERRY & WESTBROOK, P.C.

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By: /s/ Alan W. Westbrook, Esq.
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Attorney for Defendant

ORDER

IT IS SO ORDERED.

Dated this 10th day of December, 2018.


UNITED STATES MAGISTRATE JUDGE

SUBMITTED BY:

COGBURN LAW OFFICES

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